

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JOSHUA A. WEISS *et al.*,

Defendants.

24 Civ. 6988 (LJL)

PRIVACY ACT AND PROTECTIVE ORDER

WHEREAS, counsel for defendant Joshua A. Weiss in the above-captioned action issued a subpoena (“Subpoena”) to the U.S. Attorney’s Office for the Southern District of New York (“USAO-SDNY”), seeking production of certain records relating to the federal government’s investigation leading to the criminal proceeding in *United States v. Roberts*, 24 Cr. 547 (JLR) (SDNY);

WHEREAS, pursuant to 28 C.F.R. § 16.21 *et seq.*, the U.S. Attorney for the Southern District of New York has authorized the disclosure of certain records in response to the Subpoena, subject to entry of a Privacy Act and Protective Order that incorporates the provisions of the Protective Order entered in this action (at ECF No. 31) on January 29, 2025 (the “January 29, 2025 Protective Order”);

WHEREAS, counsel for the parties to the above-referenced action consent to entry of this Privacy Act and Protective Order governing the treatment of materials produced by the USAO-SDNY pursuant to the Subpoena; and

WHEREAS, the Court finds that good cause exists for the issuance of a Privacy Act and Protective Order, pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a (the “Privacy Act”),

IT IS HEREBY ORDERED THAT:

1. Pursuant to 5 U.S.C. § 552a(b)(12), this Order authorizes the USAO-SDNY to produce documents and information that otherwise would be prohibited from disclosure under the Privacy Act without presenting Privacy Act objections to this Court for a decision regarding disclosure. To the extent the Privacy Act allows the disclosure of information pursuant to a court order, this Order constitutes such a court order and authorizes the disclosure of that information. Nothing in this paragraph, however, shall require production of documents or information that have not been authorized for disclosure by the U.S. Attorney for the Southern District of New York pursuant to the Department of Justice's *Touhy* regulations, or that are otherwise prohibited from disclosure (even with the entry of this Order) by any applicable privileges, statutes, regulations, or authorities.

2. All documents and information produced by the USAO-SDNY pursuant to this Order shall be treated as "Confidential" material subject to the terms and conditions of the January 29, 2025 Protective Order. All provisions and protections of the January 29, 2025 Protective Order applicable to material designated as "Confidential" or "Confidential Discovery Material" are expressly adopted and incorporated into this Order.

3. All documents and information disclosed by the USAO-SDNY pursuant to this Order shall be held and used by the party receiving such information solely for use in connection with the above-captioned action.

4. Nothing in this Order constitutes an admission by any party that any documents or information disclosed pursuant to this Order is relevant or admissible. Each party reserves the right to object to the use or admissibility of any such documents or information.

5. Any Personally Identifying Information (“PII”) (e.g., social security numbers, financial account numbers, passwords and information that may be used for identity theft) produced pursuant to this Order shall be maintained by the receiving party in a manner that is secure, confidential and shared only with authorized individuals in a secure manner. Nothing herein shall preclude the United States from asserting legal claims or constitute a waiver of legal rights and defenses in the event of litigation arising out of the receiving party’s failure to appropriately protect PII from unauthorized disclosure.

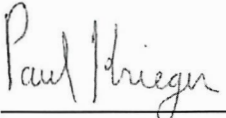
6. At the conclusion of the above-captioned action, all documents and information produced pursuant to this Order and any copies thereof shall be promptly (and in no event later than 30 days after entry of final judgment no longer subject to further appeal) returned to the USAO-SDNY or, upon permission of the USAO-SDNY, destroyed, with the exception of materials admitted into evidence at trial or filed as part of the court record. Notwithstanding this provision, nothing in this Order shall be construed as modifying or interfering with the SEC’s document retention and preservation obligations under federal law

7. Nothing in this Order shall prevent any disclosure by the United States of documents or information subject to this Order, or require disclosure by the United States of any such documents or information in any other context or proceeding.

SO STIPULATED AND AGREED TO BY:

Dated: May 6, 2025
New York, New York


KKL LLP

By: 

PAUL M. KRIEGER, Esq.
350 Fifth Ave., 77th Floor
New York, NY 10118
Counsel for Defendant Weiss

Dated: May 8, 2025
New York, New York

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: 

SARAH S. NORMAND
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Counsel for USAO-SDNY

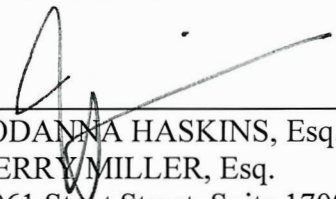
Dated: May __, 2025
New York, New York

ROBBINS ALLOY BELINFANTE
LITTLEFIELD LLC

By: _____
JOSHUA MAYES, Esq.
500 14th Street, NW
Atlanta, GA 3038
Counsel for Defendant Coen

Dated: May 7, 2025
New York, New York

SECURITIES AND EXCHANGE
COMMISSION

By: 

JODANNA HASKINS, Esq.
TERRY MILLER, Esq.
1961 Stout Street, Suite 1700
Denver, CO 80294
Counsel for the SEC

SO ORDERED:

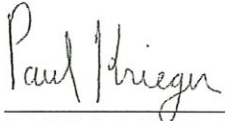
HON. LEWIS J. LIMAN
United States District Judge

Dated: May __, 2025
New York, New York

SO STIPULATED AND AGREED TO BY:

Dated: May 6, 2025
New York, New York

KKL LLP

By: 
PAUL M. KRIEGER, Esq.
350 Fifth Ave., 77th Floor
New York, NY 10118
Counsel for Defendant Weiss


Dated: May __, 2025
New York, New York

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: _____
SARAH S. NORMAND
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Counsel for USAO-SDNY

Dated: May 6, 2025
New York, New York

ROBBINS ALLOY BELINFANTE
LITTLEFIELD LLC


By: 
JOSHUA MAYES, Esq.
500 14th Street, NW
Atlanta, GA 3038
Counsel for Defendant Coen

Dated: May __, 2025
New York, New York

SECURITIES AND EXCHANGE
COMMISSION

By: _____
JODANNA HASKINS, Esq.
TERRY MILLER, Esq.
1961 Stout Street, Suite 1700
Denver, CO 80294
Counsel for the SEC

SO ORDERED:


HON. LEWIS J. LIMAN
United States District Judge

Dated: May 22, 2025
New York, New York